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Testimony of Shirley Bergert¹

Before the Energy and Technology Committee, Regarding S.B. No. 332

An Act Concerning Utility Service Termination and

The Appointment of a Receiver

March 8, 2012

Recommended action: Reject

The proposal creates unnecessary dangers for vulnerable individuals.

Section 1 authorizes dangerous utility terminations on Fridays. For the same reasons the legislature has rejected similar proposals in the past, this proposal should again be rejected: households faced with a Friday shut off are not likely to be able to access emergency resources or other assistance needed to resolve the dispute until the following week.

Currently utility companies in payment disputes with residential customers have ample opportunity to shut off utility service on Monday through Thursday.² Even a Thursday shut off allows a vulnerable household opportunity on Friday to access emergency resources or assistance to resolve the dispute. But a Friday shut off, if not discovered until after work hours on Friday, means social service agencies, fuel banks and emergency resources for veterans cannot be accessed until the following Monday, assuming Monday is not a holiday. Besides the dangers involved in living without utility service, the risks of fire, inability to prepare food or maintain a sanitary environment, a low income household is likely to lose all refrigerated food.

While the proposal exempts "hardship" cases from Friday shut offs, this presumes all hardship cases are known to the utility – a review of the statutory criteria defining "hardship" makes it clear utilities do not and cannot know of all hardship customers in their service territory.³

The utilities have no demonstrated need to expand their use of shut offs in disputes with residential households to Fridays when existing law permits their

¹ CT Legal Services represents low income state residents in civil legal matters. Shirley Bergert serves on the Low Income Energy Advisory Board, Energy Conservation Management Board, Fuel Oil Conservation Board, and the Advisory Board for the Institute for Sustainable Energy.

² The limited exception to this rule is a legal holiday or day before a legal holiday.

³ Conn. Gen. Stat. sec. 16-262c(b)(3)(B) defines hardship cases as including but not limited to: public assistance recipients; a customer whose sole source of financial support is Social Security, Veterans' Administration or unemployment compensation benefits; a customer who is head of the household and unemployed, and household income is less than 300% FPL; a household with a seriously ill member; a customer with income below 125% FPL; and a customer whose circumstances threaten a deprivation of food and the necessities of life for himself or dependent children if payment of a delinquent bill is required.

use of this extraordinary remedy at times that minimize risk to vulnerable residents.

Section 2 creates a risk of dangerous utility terminations of nursing homes, literally threatening the survival of residents of such facilities. For example, critical medical care, food and medication preparation and delivery, running and hot water, maintenance of sanitary conditions, and necessary lighting, heating and air conditioning, are dependent on access to utility service. The bill authorizes a receivership for nursing homes to collect funds for utility bills from payment for care of vulnerable residents, and termination of the nursing home's utility service if a receivership petition is denied. Such receiverships would prioritize payment of utility bills, the cost of the receiver and attorneys fees, before funds would be made available for more critical resident care needs.

The receivership statute which this bill proposes to modify is appropriate for multifamily housing where landlord responsibilities to tenants are limited. But it is not appropriate where literally all resident care needs are and must be provided by a nursing home administrator. Nursing home residents, *by definition*, are unable to care for themselves. They are seriously ill, medically involved, to a person they are extremely vulnerable. There are no circumstances under which state policy should allow their care to be put in jeopardy in a dispute between a utility and facility administrators.

Utilities have remedies to address disputes with nursing homes, remedies that do not jeopardize nursing home residents. These include filing a collection action in Superior Court and filing complaints with the Department of Public Health which regulates and licenses nursing homes and licenses nursing home administrators. Such remedies allow for dispassionate action that does not jeopardize vulnerable residents.